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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 OPAL HARGER, *et al.*
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10 Plaintiffs,

11 v.
12 U.S. DEPARTMENT OF LABOR,
13 and THE NATIONAL INSTITUTE
14 OF OCCUPATIONAL SAFETY
15 AND HEALTH,
16 Defendants.

17 NO. CV-06-5071-RHW

18 **ORDER GRANTING MOTION
19 TO DISMISS**

20 Before the Court is Plaintiffs' Motion to Dismiss Plaintiff Markham Schack
21 for Marvin Schack with Prejudice (Ct. Rec. 140). This motion was heard without
22 oral argument.

23 Plaintiff Markham Schack, surviving son and personal representative of
24 former Hanford worker Marvin H. Schack, moves the Court to dismiss his case
25 with prejudice due to the recent approval of his EEOICPA claim and the full
26 payment of benefits to him and his siblings. Defendants have no objection to this
27 motion, and it appears Plaintiff Schack's claims have been rendered moot.

28 Accordingly, **IT IS HEREBY ORDERED:**

29 1. Plaintiffs' Motion to Dismiss Plaintiff Markham Schack for Marvin
30 Schack with Prejudice (Ct. Rec. 140) is **GRANTED**.

31 2. The claims of Plaintiff Markham Schack, surviving son and personal
32 representative of former Hanford worker Marvin H. Schack, are **DISMISSED**

33 **ORDER GRANTING MOTION TO DISMISS * 1**

1 | with prejudice. Plaintiff Schack is now dismissed from this matter.

2 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
3 Order and to provide copies to counsel.

4 DATED this 10th day of March, 2008.

s/Robert H. Whaley
ROBERT H. WHALEY
Chief United States District Judge

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